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PATENT
Atty. Dkt. No. ROC920000102US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:
Bates et al

Serial No.: 09/630,976

Confirmation No.: 7828

Filed: August 2, 2000

For: Time-Based Browser
Configurations

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Group Art Unit: 2155

Examiner: Duong, O.

MAIL STOP Appeal Brief - Patents
Commissioner for Patents
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| I hereby certify that this correspondence is being deposited on November 8, 2004 with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450. | |
| November 8, 2004 Date | Gero G. McClellan |

Dear Sir:

APPEAL BRIEF

Appellants submit this Appeal Brief to the Board of Patent Appeals and Interferences on appeal from the decision of the Examiner of Group Art Unit 2155 dated March 15, 2004, finally rejecting claims 1, 3-10, 12-18 and 26-30. While no fees are believed due, the Commissioner is hereby authorized to charge counsel's Deposit Account No. 09-0465 for any fees, including extension of time fees or excess claim fees, required to make this response timely and acceptable to the Office. Three (3) copies of this Appeal Brief are being provided to the Board.

Real Party in Interest

The present application has been assigned to International Business Machines Corporation, Armonk, New York.

Related Appeals and Interferences

Appellant asserts that no other appeals or interferences are known to the Appellant, the Appellant's legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

Status of Claims

Claims 1, 3-10, 12-18 and 26-30 are pending in the application. Claims 1-25 were originally presented in the application. Claims 1, 3-10, 12-18 and 26-30 stand rejected in view of several references as discussed below. The rejection of claims 1, 3-10, 12-18 and 26-30 based on the cited references is appealed. The pending claims are shown in the attached Appendix.

Status of Amendments

No amendments to the claims were submitted after the final rejection. Arguments presented after final rejection were not accepted by the Examiner.

Summary of Invention

The present invention is directed to a method, a signal-bearing medium, and a Web browser for configuring a browser program according to at least two predefined time-based browser settings (Pg. 3, Lines 7-32; Fig. 1, Items 140 and 141; Fig. 2, Item 200; Fig. 3, Items 304 and 306; Fig. 4, Items 404 and 406; Fig. 5, Items 504 and 506; Fig. 6, Items 604 and 606). The method comprises providing a different predetermined time-value (Pg. 10, Line 22 to Pg. 11, Fig. 3, Item 304; Fig. 4, Item 404; Fig. 5, Item 504; Fig. 6, Item 604) for each of the at least two predefined, time-based browser settings (Pg. 10, Line 22 to Pg. 11, Line 4; Fig. 3, Item 306; Fig. 4, Item 406; Fig. 5, Item 506; Fig. 6, Item 606), determining whether either of the predetermined time-values is satisfied with respect to a current time (Pg. 10, Lines 11-21; Fig. 8, Item 820; Fig. 9, Item 920; Fig. 10, Item 1020; Fig. 11, Item 1130), and, if so, configuring the browser program with the corresponding time-based browser setting (Pg. 10, Lines 17-20; Fig. 8, Item 825; Fig. 9, Item 925; Fig. 10, Item 1030; Fig. 11, Item 1140).

Issues Presented

1. Whether the Examiner erred in rejecting claims 1, 3-7, 9-10, 12-16, 18 and 26-30 under 35 U.S.C. § 102(e) as being anticipated by *Pickover* (U.S. Pat. No. 6,057,834).

2. Whether the Examiner erred in rejecting claims 8 and 17 under 35 U.S.C. § 103(a) as being obvious in view of *Pickover* and further in view of *Huck* (U.S. Pat. No. 5,970,230).

Grouping of Claims

Pending claims 1, 3-7, 9-10, 12-16, 18 and 26-30 stand or fall together for the first argument presented by Appellants. Appellants' first argument relates to the first issue for claims 1, 3-7, 9-10, 12-16, 18 and 26-30, and claim 1 is representative of the claims. Pending claims 8 and 17 stand or fall together for the second argument presented by Appellants. Appellants' second argument relates to the second issue for claims 8 and 17 and claim 8 is representative of the claims.

ARGUMENT

I. THE EXAMINER ERRED IN REJECTING CLAIMS 1, 3-7, 9-10, 12-16, 18 AND 26-30 UNDER 35 U.S.C. § 102(e) AS BEING ANTICIPATED BY *PICKOVER* BECAUSE *PICKOVER* DOES NOT DISCLOSE CONFIGURING A BROWSER PROGRAM WITH ONE OF AT LEAST TWO PREDEFINED TIME-BASED BROWSER SETTINGS CORRESPONDING TO A SATISFIED PREDETERMINED TIME-VALUE.

Claims 1, 3-7, 9-10, 12-16, 18 and 26-30 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Pickover* (U.S. Pat. No. 6,057,834). Appellants respectfully traverse this rejection.

The Present Claims

The present claims disclose configuring a browser program according to at least two predefined time-based browser settings (See, e.g. Claim 1). Claim 1 recites providing a time-value for each of the at least two predefined time-based browser settings (See, e.g. Fig. 3, Items 302, 304, and 306), determining whether either of the time-values is satisfied with respect to a current time (Pg. 10, Lines 11-21), and if so, configuring the browser program with the settings corresponding to the satisfied time-value (Fig. 7; Pg. 10, Lines 17-20). Thus, the invention provides a browser that automatically configures itself differently depending upon what time of day it is.

Brief Overview of the Prior Art and Statement of Appellants' Argument

A rejection under 35 U.S.C. § 102(e) requires that each element be disclosed by the cited reference. See, MPEP § 2131. Respectfully, the Examiner's rejection fails to satisfy this statutory requirement. The Examiner states that *Pickover* discloses configuring a browser program with one of at least two predefined time-based browser settings corresponding to a satisfied predetermined time-value (Paper 6, Pg. 4). Respectfully, Appellants submit that the Examiner errs in this regard.

Pickover is directed to an iconic subscription schedule controller for a graphic user interface (See, Title, Abstract). More specifically, *Pickover* discloses dragging an icon representing a web page to a region and thereby changing the subscription update schedule for that web page (See, Abstract). Thus, *Pickover* is directed to changing an update schedule for a web page. Accordingly, *Pickover* is not directed to configuring a browser program, and further fails to disclose configuring a browser with one of at least two predefined time-based browser settings corresponding to a satisfied predetermined time-value.

Detailed Analysis of Pickover

Pickover discloses an invention designed to simplify the scheduling of update times for a web page (Col. 4, Lines 13-17). The web page may correspond to a site the user has subscribed to (Col. 2, Lines 47-54) or a channel that the user has subscribed to (Col. 3 Lines 1-7). The invention in *Pickover* allows the user to change the update time for a web page by allowing the user to drag an icon for the web page to a region on the desktop referred to as a Schedule Controller Icon (SCI) (Col. 4, Lines 13-28). By dragging the icon for the web page to a certain area of the SCI, the update time for the web page may be changed according to the area of the SCI that the icon is dragged to (Col. 4, Lines 23-27). For instance, if the icon is dragged to a blue portion of the SCI, the update time may be monthly (Col. 4, Lines 27-31), whereas if the icon is dragged to a red portion of the SCI, the web page may be updated every minute (Col. 4, Lines 31-32).

Appellants note that *Pickover* is insufficient in several respects for purposes of anticipating the present claims, as described below in greater detail. In particular, *Pickover* is directed to changing the schedule for updating a web page (See, Abstract). Changing the schedule for updating a web page, as taught by *Pickover*, in no way

involves changing a browser configuration. Accordingly, *Pickover* does not disclose changing a browser configuration. Second, *Pickover* discloses that each web page is updated according to a single time span, depending on where the icon for that web page is located within an SCI (Col. 4, Lines 23-27). Accordingly, *Pickover* does not disclose configuring a browser with one of at least two predefined time-based browser settings.

Examiner's Office Action of March 15, 2004

Examiner cites *Pickover* at Column 2, Lines 47-67 and Column 7, Lines 28-37 for the proposition that a browser is being configured (Paper 6, Pg. 4). The first cited section refers to updating a web site that a user has subscribed to (Col. 2, Lines 47-67). This updating may be performed using a browser (*Id.*). Updating is specifically defined in *Pickover*:

“update’ may refer to either the transfer of information from remote computer 131 to local computer 100, usually for the purpose of display by browser 90, or it may mean that the remote pages’ information is checked to determined if a change has occurred” (Col. 7, Lines 11-18).

Accordingly, where *Pickover* describes updating, it is referring to the download of a web page, not to a change of browser configuration (*Id.*). The web page, after it is updated, may be displayed by the browser, but *Pickover* does not disclose that the browser configuration is changed (*Id.*). Thus, the first cited section does not disclose configuring a browser. Accordingly, the claims are believed to be allowable and Appellants respectfully request reversal of the rejection.

The second cited section (Col. 7, Lines 28-37) refers to changes in the graphical attributes of an SCI (*Id.*). Examiner cites this section for the proposition that a browser is configured with at least one of the at least two browser settings corresponding to the satisfied predetermined time-value (Paper 6, Pg. 4). Initially, Appellants note that *Pickover* in other passages describes a browser by using the explicit term “browser” or “web browser” (See, e.g., Col. 2, Lines 47-49). The second cited section refers to an SCI (Col. 7, Lines 28-37). Accordingly, because *Pickover* uses the term “browser” elsewhere but has neglected to use the term “browser” in this passage, it follows that *Pickover* is referring to a component other than a “browser” when it uses the term “SCI”.

The term "SCI" is used in *Pickover* to refer to a Schedule Control Icon (See, Abstract). *Pickover* describes an SCI as a region to which iconic shortcuts are dragged (Col. 6, Lines 62-64). When a user drags a web page icon to a certain portion of an SCI, the update time for that web page is changed according to where in the SCI the icon is dragged (Col. 6, Line 62 to Col. 7, Line 12). Accordingly, an SCI is a region of the screen and is not used to refer to a browser (Col. 6, Lines 62-64). The second section cited by the Examiner refers to changing "one or more graphical attribute[sic]" of the SCI (Paper 6, Pg. 4 *citing* Col. 7, Lines 28-37). For instance, the SCI (or the iconic shortcuts) may change colors in response to the updating of a page (Col. 7, Lines 28-37). *Pickover* therefore describes changing the colors of a region of the screen and changing colors of iconic shortcuts (Col. 7, Lines 28-37). Thus, the second cited section does not disclose configuring a browser. Accordingly the claims are believed to be allowable and Appellants respectfully request reversal of the rejection.

Examiner's Advisory Action

Finally, in Examiner's Advisory Action, Examiner states that the "browser" mentioned in the pending claims has been construed by the Examiner to include a desktop GUI as disclosed in *Pickover* (Paper 9, Continuation Sheet). Examiner feels that this construction is reasonable because the browser is an integral part of the Microsoft Windows operating system, citing col. 6, lines 45-50 (*Id.*). Examiner goes on to cite sections referring to altering the scheduling times of one or more web pages represented by GUI icons (*Id.* citing Col. 2, Lines 47-57) and changing the colors of icons using the operating system (*Id.* citing Col. 4, Lines 13-47).

Respectfully, Examiner errs in several respects. First, the cited sections do not refer to the browser as an integral portion of the operating system (Col. 6, Lines 45-50). The cited sections refer to the browser (Microsoft Internet Explorer) and the operating system (Microsoft Windows) as using schedule times to perform updates to web sites that are subscribed to (*Id.*). Thus, the distinction between browser and operating system is made explicit by use of different terms for each program (*Id.*). Second, a desktop GUI is not a browser. The desktop is specifically defined in *Pickover* as "the background of the screen" (Col. 3, Lines 21-25). *Pickover* further distinguishes between a browser and a desktop wherein it refers to dragging a shortcut from a browser to the

desktop (Col. 3, Lines 20-26). Third, even if the desktop were construed to be a browser, the cited sections do not refer to changing the configuration of a browser (*Id.*). The cited sections refer to changing the colors of icons (Col. 4, Lines 41-47) and to changing the update schedule for a web site (Col. 2, Lines 47-57), but do not refer to configuring a browser program with one of at least two predefined time-based browser settings corresponding to a satisfied predetermined time-value.

Thus, Appellants submit that the pending claims are not anticipated by *Pickover* because *Pickover* does not disclose configuring a browser program with one of at least two predefined time-based browser settings corresponding to a satisfied predetermined time-value. Accordingly, the claims are believed to be allowable and Appellants respectfully request reversal of the rejection.

II. THE EXAMINER ERRED IN REJECTING CLAIMS 8 AND 17 UNDER 35 U.S.C. § 103(a) AS BEING OBVIOUS IN VIEW *PICKOVER* AND FURTHER IN VIEW OF *HUCK* BECAUSE THE CITED REFERENCES, ALONE OR IN COMBINATION, DO NOT DISCLOSE CONFIGURING A BROWSER PROGRAM WITH ONE OF AT LEAST TWO PREDEFINED BROWSER SETTINGS CORRESPONDING TO A SATISFIED PREDETERMINED TIME-VALUE.

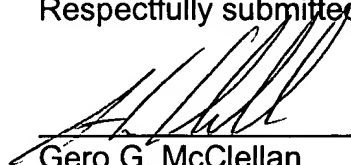
Claims 8 and 17 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over *Pickover* as applied to claims 1 and 10 above, and further in view of *Huck* (U.S. Pat. No. 5,970,230). Appellants believe that the rejection of claims 1 and 10 over *Pickover* has been overcome for the reasons given above. Accordingly, the combination of *Cordell* and *Huck* does not teach, show, or suggest configuring a browser program with one of at least two predefined browser settings corresponding to a satisfied predetermined time-value. Therefore, the claims are believed to be allowable and Appellants respectfully request reversal of the rejection.

Conclusion

In conclusion, the cited references, alone or in combination, do not teach, show or suggest all of the limitations of the present claims. With respect to the rejection under 35 U.S.C. § 102(e), *Pickover* does not teach, show, or suggest configuring a browser program with one of at least two predefined time-based browser settings

corresponding to a satisfied predetermined time-value. With respect to the rejection under 35 U.S.C. § 103(a), *Pickover* and *Huck*, alone or in combination, do not disclose configuring a browser program with one of at least two predefined browser settings corresponding to a satisfied predetermined time-value. Thus, the rejections under 35 U.S.C. § 102(e) and 35 U.S.C. 103(a) are improper. Accordingly, Appellants respectfully request withdrawal of the rejection of the claims.

Respectfully submitted,



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APPENDIX

1. (Previously Presented) A method for configuring a browser program executable on a computer connected to a network of computers, wherein the browser program is configurable according to at least two predefined time-based browser settings, the method comprising:
 - providing a different predetermined time-value for each of the at least two predefined time-based browser settings;
 - determining whether either of the different predetermined time-values is satisfied with respect to a current time; and
 - if so, configuring the browser program with the one of the at least two browser settings corresponding to the satisfied predetermined time-value.
2. (Canceled)
3. (Previously Presented) The method of claim 1, wherein the predetermined time-values are user-defined.
4. (Previously Presented) The method of claim 1, wherein the predetermined time-values are a day and time of day.
5. (Previously Presented) The method of claim 1, wherein the one of the two browser settings comprises at least one browser toolbar configuration.
6. (Original) The method of claim 5, wherein the toolbar configuration comprises at least one configuration selected from the group consisting of a standard toolbar, a navigation toolbar, an address toolbar, and a user-defined toolbar.
7. (Previously Presented) The method of claim 1, wherein the one of the at least two browser settings comprises a setting for at least one previously visited network address accessed by the browser program.

8. (Previously Presented) The method of claim 7, after configuring the browser program, further comprising:
- receiving at least one electronic document containing at least one network address;
 - determining whether the network address within the electronic document is the at least one previously visited network address; and
 - if so, rendering the electronic document in a manner indicating the network addresses within the document as being visited.
9. (Previously Presented) The method of claim 7, wherein the network addresses are stored as bookmarks.
10. (Previously Presented) A signal-bearing medium containing a program for configuring a browser program executable on a computer connected to a network of computers, wherein the browser program is configurable according to at least two predefined time based browser settings, the configuration program when executed by a processor, performs a method, comprising:
- providing a different predetermined time-value for each of the at least two predefined time-based browser settings;
 - determining whether either of the different predetermined time-values is satisfied with respect to a current time; and
 - if so, configuring the browser program with the one of the at least two browser settings corresponding to the satisfied predetermined time-value.
11. (Canceled)
12. (Previously Presented) The signal-bearing medium of claim 10, wherein the predetermined time-values are user-defined.

13. (Previously Presented) The signal-bearing medium of claim 10, wherein the predetermined time- values are a day and time of day.

14. (Previously Presented) The signal-bearing medium of claim 10, wherein the one of the two browser settings comprises at least one browser toolbar configuration.

15. (Original) The signal-bearing medium of claim 14, wherein the toolbar configuration comprises at least one configuration selected from the group consisting of a standard toolbar, a navigation toolbar, an address toolbar, and a user-defined toolbar.

16. (Previously Presented) The signal-bearing medium of claim 10, wherein the one of the at least two browser settings comprises a setting for at least one previously visited network address accessed by the browser program.

17. (Previously Presented) The signal-bearing medium of claim 16, after configuring the browser program, further comprising:

- receiving at least one electronic document containing at least one network address;
- determining whether the network address within the electronic document is a the at least one previously visited network address; and
- if so, rendering the electronic document in a manner indicating the network addresses within the document as being visited.

18. (Original) The signal-bearing medium of claim 16, wherein the network addresses are stored as bookmarks.

19-25. (Canceled)

26. (Previously Presented) A Web browser resident in memory, comprising:
a plurality of time-based browser settings;

a plurality of predetermined time-values, wherein each of the plurality of predetermined time-values corresponds to one of the plurality of time-based browser settings; and

configuration code for configuring the browser with each of the plurality of time-based browser settings when the corresponding predetermined time-value is satisfied by a current time.

27. (Previously Presented) The Web browser of claim 26, wherein at least one of the plurality of time-based browser settings comprises a browser toolbar configuration.

28. (Previously Presented) The Web browser of claim 26, wherein the each of the plurality of time-based browser settings specifies a different previously visited network addresses file.

29. (Previously Presented) The Web browser of claim 26, wherein the each of the plurality of time-based browser settings specifies a different bookmark file.

30. (Previously Presented) The Web method of claim 26, wherein the each of the plurality of time-based browser settings specifies a different homepage network address.

31. (Previously Presented) A method of configuring a browser differently based on a current time, comprising:

upon launching the browser, loading a first set of browser configuration settings based on a determination of the current time; and

after the expiration of some time, loading a second set of browser configuration settings based on a determination of the current time.

32. (Previously Presented) The method of claim 31, wherein the first set of browser configuration settings has an associated first time value and the second set of browser configuration settings has an associated second time value different from the

first time value, and wherein the loading is performed when the respective time values satisfy the current time.

33. (Previously Presented) The method of claim 31, wherein the first and second sets of browser configuration settings specify different home page network addresses.